

MK MANNING | KASS

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

A.H. and H.H., in each case a minor, by
and through their guardian ad litem
Crystal Hanson, individually and as
successor in interest to Shane Holland,
deceased; C.H., a minor, by and through
her guardian ad litem, Reymi Updike;
individually and as successor in interest
to Shane Holland, deceased, and
PATRICIA HOLLAND, individually,

Plaintiffs,

v.

COUNTY OF SAN BERNARDINO;
JUSTIN LOPEZ, and DOES 1-10,
Inclusive,

Defendants.

Case No. 5:23-CV-01028 JGB-SHK

*[Honorable Sunshine Jesus G. Bernal,
Magistrate Judge, Shashi H.
Kewalramani]*

**[PROPOSED] ORDER GRANTING
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

Filed concurrently with:

1. *Notice of Motion and Motion;*
2. *Statement of Uncontroverted Facts;*
3. *Declaration of Kayleigh Andersen;*
and
4. *Declaration of Sergeant Anthony
Scalise*

Date: September 9, 2024

Time: 9:00 a.m.

Crtrm.: Courtroom 1

Action Filed: 06/02/2023

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Defendants County of San Bernardino (“County”) and Deputy Justin Lopez (“Deputy Lopez”) (collectively “Defendants”) motion for summary judgment or, in the alternative, summary adjudication of issues came before the Court on regular notice at the above-stated date and time. After consideration of the papers on file, and after arguments of counsel, the Court concludes as follows:

1. The Court hereby **GRANTS** Defendants’ Motion for Summary Judgment, in its entirety.

2. The Court hereby finds that Defendants have met their burden under Federal Rule of Civil Procedure 56 of establishing that there are no genuine issues of material fact pertaining to plaintiffs’ operative claims.

3. The Court hereby finds and rules that Defendant Deputy Lopez is entitled to judgment on plaintiffs’ second cause of action for excessive force under 42 U.S.C. § 1983 because there is no triable issue of fact;

4. The Court hereby finds and rules that Defendant Deputy Lopez is entitled to judgment on plaintiffs’ fourth cause of action for substantive due process/interference with familial relationship under 42 U.S.C. § 1983 because there is no triable issue of fact;

5. The Court hereby finds and rules that Defendant Deputy Lopez is Entitled to Qualified Immunity for each of plaintiffs’ Federal Claims;

6. The Court hereby finds and rules that Defendant Deputy Lopez is entitled to judgment on plaintiffs’ seventh cause of action for battery - wrongful death because there is no triable issue of fact;

7. The Court hereby finds and rules that Defendant Deputy Lopez is entitled to judgment on plaintiffs’ eighth cause of action for negligence - wrongful death because there is no triable issue of fact;

8. The Court hereby finds and rules that Defendant Deputy Lopez is entitled to judgment on plaintiffs’ ninth cause of action for violation of the Bane Act because

1 there is no triable issue of fact;

2 9. The Court hereby finds and rules that Defendant County of San
3 Bernardino is entitled to judgment for each of plaintiffs' state law claims, as the
4 County's liability hinges on the liability of Defendant Deputy Lopez;

5 10. The Court hereby finds and rules that Defendant Deputy Lopez is entitled
6 to judgment on plaintiffs' claim for punitive damages because there is no evidence
7 that they acted with malice, oppression, or reckless disregard for Soria's rights during
8 the incident.

9 11. Accordingly, the Court hereby Orders, Adjudges, and Decrees that
10 **Judgment is entered in favor of Defendants County of San Bernardino and**
11 **Defendant Deputy Lopez on all of plaintiffs' claims in this action,** and that
12 plaintiffs shall recover nothing from Defendants.

13 IT IS SO ORDERED.

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15 Dated: _____

Hon. Jesus G Bernal
Judge, United States District Court

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20 Submitted By:

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